

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**CARLA LENZ BOOS, Personal Representative)
of the Estate of PAULINE A. TALLMAN,)**

Plaintiff,)

vs.)

No. 4:06CV735-SNL

**ST. LOUIS II RETIREMENT RESIDENCE)
LLC d/b/a Lakeview Park Retirement)
Residence,)**

Defendant.)

ORDER

On September 24, 2007 plaintiff filed a request for court approval of the distribution of settlement proceeds. Defendant agreed to pay plaintiff, including her attorney fees and costs, the sum of \$133,000 in settlement of the claim. The parties agreed that the sum of \$44,333. should be paid to the estate of Pauline K. Tallman and Alfred K. Rathert, her attorney, together with litigation costs of \$1,614.15. Of this sum, \$1,010 is to be paid to Pennacle Mediation; \$440.30 to Concannon and Jaeger for depositions and \$163.85 to Perry Gore Reporting for depositions.

The remaining amount of the settlement in the amount of \$87,052.85 is to be payable to Medicare and Medicaid Services and Government Employees Health Association. Apparently, Medicare and Government Employees Health Association have not responded in any attempt to resolve the percentage of the \$87,052.85 that each entity is entitled to receive. It would be appropriate, therefore, that a draft be executed payable to both entities.

IT IS THEREFORE ORDERED that the Court approves the Petition for Approval of the Distribution of Settlement Proceeds.

Defendant shall pay from the settlement the following sums:

1. The Estate of Pauline K. Tallman and Albert J. Rathert, her attorney, \$44,333.00;
2. The Estate of Pauline K. Tallman and Albert J. Rathert, her attorney, for distribution of litigation costs as set out in this order, \$1,614.15;
3. \$87,052.85, payable to Centers for Medicare and Medicaid Services and the Government Employees Health Association. The draft shall be delivered to Centers for Medicare and Medicaid Services and a copy of this order shall be sent both to Medicare and to the Government Employees Health Association.

IT IS FURTHER ORDERED that plaintiff and defendant shall file a stipulation for dismissal within ten (10) days from the date of this order.

Dated this 28th day of September, 2007.

A handwritten signature in dark ink, appearing to read "Stephen L. Limbaugh", is written over a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE